

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MICHAEL FISHER, on behalf of himself and
others similarly situated,

Plaintiff,

v.

SD PROTECTION INC. d/b/a SD PROTECTION
and SANDRA DOMINGUEZ MERCADO,

Defendants.

No. 17 CV 2229

DECLARATION OF ANNE SEELIG

Pursuant to 28 U.S.C. § 1746, under penalty of perjury, Anne Seelig states:

1. I am counsel to Plaintiff. I am admitted to practice in this Court. I am fully familiar with the circumstances set forth in this Declaration and would testify to these facts if called at trial.

2. Pursuant to the Settlement Agreement and Release (“Settlement Agreement”) in this action, Defendants were required to remit payments totaling \$25,000. Pursuant to the Court’s Order dated July 27, 2018 (ECF Dkt. No 85), the payment plan originally agreed to in the Settlement Agreement was modified by the Court as follows: “First installment of \$8,500...disbursed on July 30, 2018. Second installment of \$8,500...disbursed on August 30, 2018. Third installment of \$2,000...disbursed on September 30, 2018. Fourth installment of \$2,000...disbursed on October 30, 2018. Fifth installment of \$2,000 disbursed on November 30, 2018. Sixth installment of \$2,000...disbursed on December 30, 2018.” See ECF Dkt. No. 85 at ¶

7.

3. Defendants have failed to payments pursuant to the Court Ordered payment schedule, and have failed to comply with the terms of the settlement. To date, Defendants have only remitted \$4,000 of the \$25,000 settlement amount.

4. In October 2018, the undersigned corresponded with Defendants' counsel regarding Defendants' default. Defendants' counsel subsequently informed the undersigned that he had withdrawn as counsel to Defendants in connection with the pending Appeal.

5. On November 1, 2018 Defendants' counsel forwarded correspondence to the undersigned from his former client, stating "...I have no funds to pay settlement balance...".

6. As of the date of this motion, Defendants' have failed to cure their default or respond further to our calls about payment.

7. I have spent approximately three hours since the Court granted approval of the settlement in connection with enforcement of the Settlement Agreement. This time includes: one- hour communicating with Defendants' counsel and later, with Defendant Ms. Mercado directly, regarding the default, and 2 hours researching and drafting this motion.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 23, 2019

LEE LITIGATION GROUP, PLLC

/s/ Anne Seelig

Anne Seelig (AS 3976)
30 East 39th Street, Second Floor
New York, New York 10016
Tel.: (212)661-1008
Fax: (212)661-1181

Attorneys for Plaintiff